

Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pokagon Band of Potawatomi Indians of Michigan and Indiana; Quapaw Tribe of Indians, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma that this notice has been published.

Dated: August 14, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9-22217 Filed 9-14-09; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-556 (Remand)]

In the Matter of Certain High-Brightness Light-Emitting Diodes and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 5) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 8, 2005, based on a complaint filed by Lumileds Lighting U.S., LLC of San Jose, California. 70 FR 73026. The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain high-brightness light emitting diodes and products containing same by reason of infringement of claims 1 and 6 of U.S. Patent No. 5,008,718, claims 1-3, 8-9, 16, 18, and 23-28 of U.S. Patent No. 5,376,580, and claims 12-16 of U.S. Patent No. 5,502,316. The complaint further alleged the existence of a domestic industry. The Commission’s notice of investigation named Epistar Corporation of Hsinchu, Taiwan, and United Epitaxy Company of Hsinchu, Taiwan as respondents. Subsequently, respondents merged under the name Epistar Corporation (“Epistar”).

The Commission terminated this investigation on May 9, 2007, finding a violation of section 337 and issuing a limited exclusion order directed to Epistar. Epistar appealed the Commission’s determination to the U.S. of Appeals for the Federal Circuit. The Court issued its opinion on May 22, 2009, affirming in part, reversing in part, and remanding the investigation to the Commission. *See Epistar Corp. v. United States Int’l Trade Comm’n*, 566 F.3d 1321 (Fed. Cir. 2009).

On August 5, 2009, complainant moved to withdraw its complaint and terminate the investigation in its entirety.

The ALJ issued the subject ID on August 18, 2009, granting the motion for termination of the investigation. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. The Commission has determined not to review the ID, and accordingly the investigation is terminated.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in sections 210.21 and 210.42(h), (i) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h), (i).

Issued: September 2, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-22131 Filed 9-14-09; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree under the Clean Water Act and the Oil Pollution Act

Notice is hereby given that on August 19, 2009, a proposed Consent Decree in *United States of America and the State of Indiana v. Countrymark Cooperative LLP*, Civil Action No. 1:09-cv-1018, was lodged with the United States District Court for the Southern District of Indiana.

In this action the United States, on behalf of the United States Department of Interior, the United States Fish and Wildlife Service, and the United States Coast Guard; and the State of Indiana, on behalf of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, sought damages under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Oil Pollution Act, 33 U.S.C. 2701 *et seq.*, for injury to, destruction of, or loss of natural resources resulting from a 2003 oil spill in the Wabash River floodplain near Griffin, Indiana (the “Spill”). The Consent Decree resolves the claims of the United States and State of Indiana against Countrymark Cooperative in connection with the Spill. The Consent Decree provides that Countrymark Cooperative shall: (1) Undertake restoration activities at a nearby park; (2) reimburse a total of \$22,800.12 in damage assessment costs; and (3) pay the future costs of overseeing the restoration work.

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *United States of America and the State of Indiana v. Countrymark Cooperative LLP*, Civil Action No. 1:09-cv-1018, D.J. Ref. 90-5-1-1-08445.

During the comment period, the Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, 10 W. Market Street, Suite 2100, Indianapolis, Indiana 46204-3048, and at the offices of the U.S. Department of the Solicitor, Three Parkway Center, Room 385, Pittsburgh, PA 15220. The Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/>